

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-408/2022

PAWAN KUMAR

.....Appellant

Versus

YAMUNA EXPRESSWAY INDUSTRIAL DEVELOPMENT
AUTHORITY

.....Respondent

Counsel for Appellant
AMIT YADAV

Counsel for Respondent
ANKIT RAJ CHAUDHARY

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman
Hon'ble Mr. K.K. Jain, Technical Member

Shri Amit Yadav, Advocate is present on behalf of the appellant. No one appeared on behalf of the respondent.

Examination of record reveals that the appellant approached the Regulatory Authority, seeking direction against the respondent-Authority to give possession of the plot, whereas the Regulatory Authority by clubbing similar complaints disposed of the same by means of impugned order dated 29.05.2019 and directed the respondent for providing possession to the complainant within 60 days from the date of uploading of the order and pay 6% interest as per Brochure from November 2013 to 30th April 2016 and thereafter @ MCLR+1%. It was further directed that if during the aforesaid period, the possession is not offered and allottee does not want to take possession, then the amount deposited by the complainant/allottee will be refunded with interest for the period from November 2013 till the date of payment of amount @ MCLR+1% .

The perusal of impugned order dated 29.05.2019 reveals that in second paragraph, the learned Regulatory Authority mentioned that the instant complaint has been filed by the complainant against the respondent seeking possession and interest for

delay period, whereas in the complaint of the appellant we could not find any prayer with respect to delay interest.

A query was made from learned counsel for the appellant as to whether there was any prayer in the complaint with respect to interest, to which learned counsel for the appellant submitted that there was no request for delay interest and only request was for providing possession.

As learned counsel for the respondent is reported to be ill, we adjourn today's proceedings.

List this appeal for orders/hearing on **01.11.2023**.

(K.K. Jain)

(D.K. Arora)

Dated: 20.09.2023
SYEDTANVEER